

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MARIA GUADALUPE MARTINEZ, §  
Individually, as a Legal Representative of the §  
Estate of DELFINO GARCIA, and Next §  
Friend of GEMMA GARCIA, a Minor, §  
GRETCHELL GARCIA, a Minor, DELFINO §  
GARCIA, JR., a Minor, and DELIA §  
MACEDO, Next Friend of EMELY §  
PARTICIA GARCIA, a Minor, §

*Plaintiffs,*

v.

DONNIE FOSTER, COMMUNITY §  
EDUCATION CENTERS, INC., JAGDISH §  
A. SHAH, and JOHN DOES #1 §  
THROUGH #35, §

*Defendants.*

Civil Action No. 4:13cv59

**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**ON DEFENDANTS FOSTER AND COMMUNITY EDUCATION CENTERS, INC.'S,**  
**MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION**  
**FOR MORE DEFINITE STATEMENT**

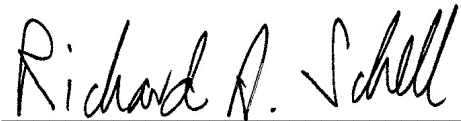
The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Don D. Bush. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of Defendants Foster and Community Education Centers, Inc.'s, Motion to Dismiss, or in the Alternative, Motion for More Definite Statement, joined by Defendant Dr. Shah (docket entry #30), has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings and conclusions

of the Court. It is therefore

**ORDERED** that Defendants Foster and Community Education Centers, Inc.'s, Motion to Dismiss or, in the Alternative, Motion for More Definite Statement (docket entry #30), joined by Defendant Dr. Shah, is hereby **DENIED IN PART** and **GRANTED IN PART**. Specifically, the Motion to Dismiss is **DENIED** and the Motion for More Definite Statement is **GRANTED**. It is further

**ORDERED** that Plaintiffs shall file an amended complaint within fourteen days of the date of this Order, pleading sufficient allegations against each Defendant to place each Defendant on notice of the claims against him or it, consistent with the findings herein. Failure to do so may result in the dismissal of the action.

**SIGNED this the 28th day of March, 2014.**

Handwritten signature of Richard A. Schell in black ink.

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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE